

REMARKS

The Applicant has carefully reviewed and considered the Examiner's Action mailed October 20, 2004. Reconsideration is respectfully requested in view of the comments set forth below.

By this Response, no claims are amended. Accordingly, method claims 4-12, 14-18 and 24-25 are pending in the present application.

Claims 24-25, 4-8, 10-12, 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3, 974,007 in view of U.S. Patent No. 5,194,115 to Ramspeck et al. (hereinafter referred to as "Ramspeck") for the reasons set forth in the paragraphs spanning pages 2-4 of the Action. Claims 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Greve in view of Ramspeck and further in view of U.S. Patent No. 4,897,854 to Hall as explained in paragraphs 3 spanning pages 5-6 of the Action. These rejections are respectfully traversed.

As described in the Background of the Invention of the present application, the invention relates to improvements in methods for applying flowable substances to running webs or strips of wrapping paper in rod making machines of the tobacco processing industry. Conventional adhesive applying methods have a drawback in that the adhesive substance often penetrates through the web of the wrapping material thereby contaminating portions of the rod making or the filter tipping machines. The claimed invention overcomes this shortcoming by providing a method that regulates the quantity of applied adhesive as a function of at least one variable parameter that influences the quality of the bond cigarette paper, tipping paper and the like and a rod of filamentary material.

This is achieved by the method of claim 25 that recites “advancing the web lengthwise along said path at a variable speed”. Paragraph [0024] of the present substitute specification summarizes how the present invention may regulate the quantity of adhesive. Dependent claims 14 and 16 positively recite varying the rate of discharge of the flowable substance at a rate which is a function of the speed of the advancement of the web along the path and discharging the flowable substances at a rate of at least 2 grams per minute, respectively.

It is the Action’s position that Greve discloses “advancing the web lengthwise along said path at a variable speed by a variable-speed motor ‘16’” (paragraph 2, lines 6-7 of the October 20, 2004 Action). However, Greve discloses that an endless band 48 is driven by the motor 16 in column 5, lines 39-44 of Greve. The endless band 48 is not the web at which at least one stream of flowable substance is directed. Instead, Greve discloses that a web 46 is “withdrawn by two advancing rollers 45a to travel along a paster 47 … before the … web reaches the upper stretch of an endless band 48” in column 5, lines 34-39 of Greve. Thus, the endless band 48 is driven by motor 16 and Greve fails to disclose that the web is driven by motor 16.

Additionally, in this part of the disclosure of Greve, it is not disclosed that the motor 16 is driven with a variable speed. In that column 4, lines 31-35 of Greve discloses that “tensioning rolls 12 are normally driven at a constant speed” and “advancing rolls 11 are driven at a variable speed *by a regulating unit 91*”, and Figure 1 of Greve shows that both are connected to motor 16, a connection to motor 16 does not necessarily mean that a roll or endless web is driven at a variable speed. Greve indicates that regulating unit provides the variable speed to advancing rolls 11. Nowhere does Greve mention that

endless band 48 is driven at a variable speed; column 5, lines 39-44 of Greve simply state that the band is driven by motor 16. As argued above, Greve discloses that tensioning rolls 16 are driven at a constant speed by motor 16. Greve further discloses that it is actually a toothed belt 56, which is driven by motor 16, which in turn causes the pulley 54 to turn guide roller 54 to move endless band 48. Thus, motor 16 does not directly move the endless band 48. Consequently, Greve does not disclose advancing a web at a variable speed as Greve lacks support for this conclusionary statement.

Accordingly, Greve fails to disclose the claimed steps of “advancing the web lengthwise along said path *at a variable speed*” and “directing at least one stream of flowable substance in an at least partially non-linear manner toward one side of the web”, as recited in independent claim 25.

The secondary reference to Ramspeck is directed to a loop producing apparatus for depositing a stripe of adhesive on a substrate 5 that is moved beneath the nozzle in the direction of arrow A (see Figure 1 of Ramspeck). Nowhere does Ramspeck disclose, teach or suggest that the substrate is a moving web of material, nor does Ramspeck disclose teach or suggest advancing the substrate at a variable speed along a predetermined path. Thus, Ramspeck cannot provide a teaching to modify the web of Greve to be advanced at a variable speed, as required by claim 25. Consequently, one of ordinary skill in the art would not have been motivated to modify the method taught by Greve to advance the web *at a variable speed*. It is respectfully submitted that Ramspeck cannot cure the defects of Greve and does not render the recited method unpatentable and withdrawal of this rejection is requested.

Hall is directed to an apparatus for gas-aided dispensing of liquid materials that

deposits liquid material (e.g., sealant) onto a workpiece (e.g., automotive doors) as shown in Figures 5, 6A and 6B. Hall is not concerned with moving a web of material along a predetermined path. To the contrary, Hall relates to maintaining a uniform bead of fluid material in robotic applications. Hall teaches a driving signal generated by the controller of the robot carrying the fluid dispenser so that a uniform bead of material is maintained even during rapid changes relative speed between the dispenser and the workpiece. This does not teach or suggest moving the workpiece at varying speeds as recited in independent claim 25, but maintaining the flow of the uniform bead if rapid changes occur. Consequently, Hall does not provide motivation to one of ordinary skill in the art to advance a web along a predetermined path at a variable speed as required by claim 25 and therefore, cannot render Applicant's invention unpatentable.

Moreover, Hall teaches a linear deposit of flowable material and not the recited stream of flowable substance in an at least partially non-linear manner toward one side of the web. Thus, Hall teaches a sensing system for a linear deposit of material. While the secondary reference to Ramspeck teaches depositing a stripe of adhesive in a rotary manner, Ramspeck is silent as to the whether the movement of the substrate is constant or variable. Thus, it is respectfully submitted that the movement of the substrate is constant as there is no teaching to compensate for a variable movement of the substrate. Accordingly, one of ordinary skill in the art would not have considered modifying a rotating dispensing unit with controls that function to discharge the flowable substance from the orifice at a rate which is a function of the speed of the advancement of the web along the predetermined path, as required by claim 25.

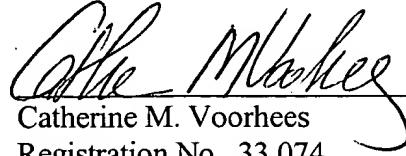
It is respectfully submitted that none of the prior art of record discloses, teaches,

or suggests advancing a web of material along a predetermined path at a variable speed and thus, it is only Applicant's own specification that teaches advancing the web at a variable speed during the carrying out of the stream directing and stream moving steps. Consequently, it is respectfully submitted that the foregoing rejections are based on Applicant's own teaching that is improper under U.S. Patent Law. Accordingly, withdrawal of the rejections are requested.

In view of the above, it is believed that claims 4-12, 14-18 and 24-25 are not rendered obvious by any combination of the prior art of record because there is no motivation to modify the web of Greve to move at a variable speed and the features of dependent claims 14 and 16 are not taught by the linear deposit system of Hall. It is respectfully requested that the rejections of record be withdrawn and that a Notice of Allowance be issued indicating that claims 4-12, 14-18 and 24-25 are allowed over the prior art of record.

Should the Examiner believe that conference would advance the prosecution of this application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully submitted,



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